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PATENT

Attorney Docket No. 08350.1575-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
David J. DODDEK et al. ) Group Art Unit: 2863  
)  
Serial No.: 10/025,717 ) Examiner: Aditya S. Bhat  
)  
Filed: December 19, 2001 ) Confirmation No.: 8006  
)  
For: SYSTEM AND METHOD FOR )  
ANALYZING AND REPORTING )  
MACHINE OPERATING )  
PARAMETERS )

**Mail Stop Appeal Brief--Patents**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TRANSMITTAL OF APPEAL BRIEF (37 C.F.R. 41.37)**

Transmitted herewith is the APPEAL BRIEF in this application with respect to the  
Notice of Appeal filed on September 12, 2007.

This application is on behalf of

☐ Small Entity ☒ Large Entity

Pursuant to 37 C.F.R. 41.20(b)(2), the fee for filing the Appeal Brief is:

☐ \$255.00 (Small Entity)

☒ \$510.00 (Large Entity)

**TOTAL FEE DUE:**

Appeal Brief Fee	\$510.00
Extension Fee (if any)	\$0
Total Fee Due	\$510.00

☒ The fee total of \$510.00 is submitted herewith.

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this Appeal Brief, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account 06-0916.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 13, 2007

By: 

Jeremy T. Thissell  
Reg. No. 56,065  
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Commissioner for Patents  
P.O. Box 1450  
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Sir:

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

In support of the Notice of Appeal September 12, 2007, and further to 37 C.F.R. § 41.37, Appellants present this brief and enclose herewith a check for the fee of \$510.00 required under 37 C.F.R. § 41.20(b)(2).

This Appeal responds to the Office Action of June 14, 2007, which includes a final rejection of claims 1-14 and 16-19.

If any additional fees are required or if the enclosed payment is insufficient, Appellants request that the required fees be charged to Deposit Account No. 06-0916.

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**Real Party in Interest**

Caterpillar Inc. is the real party in interest.

### **Related Appeals and Interferences**

There are currently no other appeals or interferences, of which Appellants, Appellants' legal representative, or assignee are aware, that will directly affect, be directly affected by, or otherwise have any bearing on the Board's decision in the pending appeal.

### **Status of Claims**

Claims 1-14 and 16-19 remain pending in this application. Claims 15, and 20-29 have been canceled. Claims 1, 8, 14, and 17 are independent. All of pending claims 1-14 and 16-19 stand finally rejected. The rejections applied to these claims are at issue in this appeal.

### **Status of Amendments**

No amendments have been filed subsequent to the final rejection.



## **Summary of Claimed Subject Matter**

### **Independent Claim 1**

The subject matter set forth in independent claim 1 relates to a method for analyzing machine data, the machine data representing at least one condition of a machine. Paragraph [23] (page 7, line 9-page 8, line 2); Figs. 2 and 3.<sup>1</sup> The method may include storing the machine data in a data system. Id. The method may also include defining a testing procedure by selecting from a plurality of pre-defined owner inputs each associated with one or more diagnostic processes, wherein at least one of the owner inputs is associated with one or more diagnostic processes that are different from the one or more diagnostic processes with which at least one of the other owner inputs is associated. Paragraph [29] (page 10, lines 1-12); Figs. 2 and 3. In addition, the method may include processing the machine data based on the testing procedure to determine a machine exception and generating a notification in the event of a machine exception. Paragraph [37] (page 13, line 19-page 14, line 3); Figs. 2 and 3. Defining the testing procedure may include conditioning at least one diagnostic process to execute automatically based on the results of at least one other diagnostic process. Paragraph [29] (page 10, lines 1-12); Figs. 2 and 3.

### **Independent Claim 8**

The subject matter set forth in independent claim 8 relates to a system for analyzing machine data, the machine data representing at least one condition of a

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<sup>1</sup> In this Summary of Claimed Subject Matter, references to the text of the specification and drawings are provided to identify exemplary disclosure of certain subject matter. These identifications are not necessarily exhaustive and should not be construed as imparting any limitation upon the scope of the claims.

machine. Paragraph [19] (page 5, line 24-page 6, line 6); paragraph [23] (page 7, line 9-page 8, line 2); Figs. 1-3. The system may also include a data system configured to store machine data. Paragraph [20] (page 6, lines 7-25); paragraph [23] (page 7, line 9-page 8, line 2); Figs. 1-3. In addition, the system may include an owner input device configured to accept a plurality of different owner inputs, each associated with one or more diagnostic processes, wherein at least one of the owner inputs is associated with one or more diagnostic processes that are different from the one or more diagnostic processes with which at least one of the other owner inputs is associated. Paragraph [29] (page 10, lines 1-12); Figs. 1-3. Further, the system may include an analyzer configured to accept a procedure selected by an owner from the plurality of owner inputs, process the machine data based upon the procedure to determine a machine exception, and generate a notification in the event of a machine exception. Paragraph [37] (page 13, line 19-page 14, line 3); Figs. 1-3. The analyzer may be configurable to execute at least one diagnostic process automatically based on the results of at least one other diagnostic process. Paragraph [29] (page 10, lines 1-12); Figs. 1-3.

#### **Independent Claim 14**

The subject matter set forth in independent claim 14 relates to a method for analyzing machine data, the machine data representing at least one condition of a machine. Paragraph [23] (page 7, line 9-page 8, line 2); Figs. 2 and 3. The method may include storing the machine data in a data system. Id. The method may also include defining at least one testing procedure by selecting from a plurality of owner inputs, each associated with one or more diagnostic processes to be associated with the machine data, wherein at least one of the owner inputs is associated with one or

more diagnostic processes that are different from the one or more diagnostic processes with which at least one of the other owner inputs is associated. Paragraph [29] (page 10, lines 1-12); Figs. 2 and 3. Further, the method may include processing the machine data based upon the procedure, determining a machine exception from the procedure, and generating a report in the event of a machine exception. Paragraph [37] (page 13, line 19-page 14, line 3); Figs. 2 and 3. The defining step may include the steps of selecting at least one test to be associated with the machine data, defining at least one parameter associated with the at least one test, and defining at least two limits for the at least one parameter, wherein machine data that exceeds at least one of the limits is considered a machine exception. Paragraph [28] (page 9, lines 20-29); Figs 1-4. The processing step may include running the at least one test in relation to the machine data. Paragraph [34] (page 11, line 27-page 12, line 10); Figs 2-4.

### **Independent Claim 17**

The subject matter set forth in independent claim 17 relates to a system for analyzing machine data, the machine data representing at least one condition of a machine. Paragraph [19] (page 5, line 24-page 6, line 6); paragraph [23] (page 7, line 9-page 8, line 2); Figs. 1-3. The system may also include a data system configured to store machine data. Paragraph [20] (page 6, lines 7-25) and paragraph [23] (page 7, line 9-page 8, line 2); Figs. 1-3. Further, the system may include an owner input device configured to accept a plurality of different owner inputs, each associated with one or more diagnostic processes, wherein at least one of the owner inputs is associated with one or more diagnostic processes that are different from the one or more diagnostic processes with which at least one of the other owner inputs is associated. Paragraph

[29] (page 10, lines 1-12); Figs. 1-3. The owner input device may be configured to accept owner input to select at least one test to be associated with the machine data, define at least one parameter associated with the at least one test, and define at least two limits for the at least one parameter, wherein machine data that exceeds at least one of the limits is considered a machine exception. Paragraph [28] (page 9, lines 20-29); Figs 1-4. In addition, the system may include an analyzer configured to accept a procedure selected by an owner from the plurality of owner inputs, the analyzer configured to process the machine data based upon the procedure to determine a machine exception and generate a report in the event of a machine exception. Paragraph [37] (page 13, line 19-page 14, line 3); Figs. 1-3.

### **Grounds of Rejection**

A. Claims 1-14 and 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pillar (U.S. Patent No. 6,553,290) in view of Rother (U.S. Patent No. 6,141,608).

### **Argument**

Appellants respectfully submit that the § 103(a) rejection of claims 1-14 and 16-19 based on Pillar and Rother should be reversed because it fails to establish a *prima facie* case of obviousness with respect to any of independent claims 1, 8, 14, or 17. The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. MPEP § 2142. When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the Examiner to explain why the combination of the teachings is proper. Id., citing Ex parte Skinner, 2 USPQ2d 1788 (Bd. Pat. App. & Inter. 1986). Appellants respectfully submit that the Examiner falls short with respect to both of these obligations.

As discussed in greater detail below, the Examiner has not provided legally sufficient evidence showing that all the claimed subject matter is disclosed explicitly or implicitly in the prior art or is otherwise suggested to one of ordinary skill in the art. The Examiner has also failed to provide a legally proper reason as to why one of ordinary skill in the art would have combined the references in the manner suggested in the final Office Action. Thus, Appellants respectfully submit that the Examiner has not met his burden of establishing a *prima facie* case of obviousness with respect to independent claims 1, 8, 14, or 17.

### **The § 103(a) Rejection of Independent Claim 1 Should Be Reversed**

With respect to independent claim 1, the Examiner's rejection is flawed for at least two reasons. First, the Examiner has misinterpreted the disclosure of Rother. Second, the Examiner has misconstrued Appellants' claims. Appellants respectfully

submit that a proper construction of Appellants' claim 1 does not read on the disclosure of Rother, or even on the alleged disclosure of Rother as interpreted by the Examiner.

The Examiner acknowledges that "Pillar does not appear to teach [that] defining the test procedure includes conditioning at least one diagnostic process to execute automatically based on the results of at least one other diagnostic process." Final Office Action at 9. The Examiner relies on Rother for an alleged teaching of this feature. Id.

The Examiner has apparently taken the position that Appellants' claim limitation of "conditioning at least one diagnostic process to execute automatically based on the results of at least one other diagnostic process," as recited in claim 1 encompasses configuring a series of tests to execute in a certain order "based upon the manufacturer's information and previous repair and diagnosis experience with this type of vehicle," as allegedly taught by Rother, at col. 3, lines 31-33. Id. The Examiner has taken the position that the recitation of "the results of at least one other diagnostic process" in claim 1 reads on Rother's disclosure of "manufacturer's . . . previous . . . diagnosis experience" mentioned in Rother. Id. This, however, is not an accurate interpretation of Rother. Rother does not disclose or suggest that the series of tests execute (or are even conditioned to execute) based on the manufacturer's previous diagnosis experience. Instead, Rother discloses listing (not executing) tests in a particular order based on the manufacturer's previous diagnosis experience.

Rother discloses that "a list of tests to be performed . . . [is] listed in the order in which they would most likely be effective in diagnosing the vehicle faults, based upon the manufacturer's information . . . ." Col. 3, lines 26-33. Read without further context,

this passage could arguably be interpreted to mean that the tests are listed in an order in which their combined execution would most likely be effective in diagnosing the vehicle faults. However, Rother clarifies, at column 4, lines 44-53, that “[t]he test procedures are listed in the order of the probability or likelihood that the test will be successful in diagnosing the cause of the selected symptom or symptoms . . . .”

Therefore, in Rother, the tests are not executed, or even conditioned to execute, based on the manufacturer’s previous diagnosis experience. Rather, the manufacturer’s previous diagnosis experience is merely used to determine the likelihood of success of the individual listed tests for purposes of putting the list of tests in order according to likelihood of success. Appellants respectfully submit that this does not constitute “conditioning at least one diagnostic process to execute automatically based on the results of at least one other diagnostic process,” as recited in claim 1. Thus, Rother does not cure the acknowledged deficiencies of Pillar with respect to claim 1.

The second flaw in the Examiner’s position is that the Examiner’s construction of claim 1 is improper. According to MPEP § 2111, claims must be “given their broadest reasonable interpretation consistent with the specification.” Citing Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005). Contrary to the position taken by the Examiner, Appellants’ recitation of “conditioning at least one diagnostic process to execute automatically based on the results of at least one other diagnostic process,” in claim 1, when read in light of the specification, does not encompass configuring a test to execute based upon the manufacturer’s previous diagnosis experience, and thus, does not read on Rother. Appellant’s specification specifies that



“a procedure may consist of conducting a test and conditioning a second test on the results of the first test.” Paragraph [29], (page 10, lines 6-7). Paragraph [29] further clarifies by describing an example as follows.

For example, a procedure, which may be labeled “overboost,” may perform a test on the engine boost pressure. If an exception is generated by this test, i.e. if the boost pressure is too high and operating outside of the defined limits, a second test or round of tests, such as oil pressure and/or engine speed, may be conducted to test the conditions which may be contributing to the boost pressure exception.

Claim 1 recites

defining a testing procedure by selecting from a plurality of pre-defined owner inputs each associated with one or more diagnostic processes . . . wherein defining the testing procedure includes conditioning at least one diagnostic process to execute automatically based on the results of at least one other diagnostic process.

Therefore, when read in light of the specification, claim 1 defines a testing procedure including at least two diagnostic processes, wherein one of the diagnostic processes is executed automatically based on the results of at least one of the other diagnostic processes.

The Examiner improperly construes the claim term “other diagnostic process” to cover ANY diagnostic process, even those performed outside the context of the testing procedure, such as during a manufacturer’s previous diagnostic experience. Final Office Action at 9. This is completely inconsistent with the specification, which, as noted above, clearly explains that the “other diagnostic process” is one executed as part of the same testing procedure, and not some previously conducted diagnostic process with no direct correlation to the present testing procedure. Because the Examiner’s

construction of claim 1 is inconsistent with Appellants' specification, the rejection of claim 1 based on this construction should be reversed.

In view of the foregoing, Appellants respectfully submit that the Examiner has not established that all the recited features of independent claim 1 are either explicitly or implicitly disclosed in the applied references or are otherwise suggested to one of ordinary skill in the art. Accordingly, for at least this reason, the § 103(a) rejection of claim 1 should be reversed.

Moreover, the Examiner has not provided any teaching, suggestion, motivation, or any other reason to combine the references in the manner suggested in the Final Office Action. In the body of the rejection, the Examiner once again cites Rother, col. 1, lines 45-51, which is part of the "Background of the Invention" section of the patent and, in fact, teaches away from using systems disclosed in that section. Specifically, column 1, lines 51-55, points out shortcomings of the system discussed in column 1, lines 45-51. Rother actually discusses such a system as one of several examples of a "number of different types of diagnostic tools [that] have been heretofore used to assist in diagnosis and repair of fault conditions in automotive vehicles." Col. 1, lines 22-24. Because the "Background" section explains the disadvantages (rather than the advantages) of each example, there is nothing in Rother that would motivate one of ordinary skill in the art to make use of the exemplary systems in the "Background" section. On the contrary, Rother actually dissuades one from utilizing such systems by pointing out the disadvantages of each.

The Examiner now also cites col. 2, lines 3-6 of Rother, apparently alleging that the benefits described therein would have motivated one of ordinary skill in the art to

incorporate some feature of the Rother system on the system of Pillar. As noted above, however, Rother does not disclose “conditioning at least one diagnostic process to execute automatically based on the results of at least one other diagnostic process,” as recited in claim 1. Therefore, the suggested combination would not result in the claimed subject matter, even if there were a legally proper basis for the combination.

Furthermore, the benefits described in col. 2, lines 3-6 of Rother apparently correspond with the listing feature of Rother, which, as described in col. 3, lines 26-33 and col. 4, lines 44-53, lists selectable diagnostic tests in order of likelihood of success. These benefits include guiding the user in the selection of tests to be performed and minimizing the performance of needless tests. Col. 2, lines 3-6. These benefits, however, do not provide any reason to modify Pillar to include the step of “conditioning at least one diagnostic process to execute automatically based on the results of at least one other diagnostic process,” as recited in claim 1.

This claimed feature provides customizable automation and does not guide users in the selection of tests or minimize the performance of needless tests. Therefore, even if Rother did teach such a feature (a notion with which Appellants do not agree), the benefits described in col. 2, lines 3-6 of Rother, which the Examiner provides as purported motivation for the suggested combination, do not correspond with this feature, and thus, do not provide any motivation for modifying Pillar to include it.

In addition, in Appellants’ last response, Appellants challenged the Examiner’s motivation for the suggested combination. In the final Office Action, the Examiner does not respond with any additional explanation or evidence to support his allegation of motivation. Instead, the Examiner responded with citations of various propositions of

law, such as, for example, that there is no requirement that a motivation be expressly articulated in the applied references. Final Office Action at 10. The Examiner seems to suggest that there is a legally sufficient motivation to combine Rother with Pillar that one of ordinary skill in the art would glean from these references and/or the general knowledge of a skilled artisan. The Examiner, however, does not provide any evidence, explanation, or indication of what this hypothetical motivation might be, thus providing no more support for the Examiner's alleged case of *prima facie* obviousness.

For at least these reasons, the Examiner has not met his burden of factually supporting his *prima facie* conclusion of obviousness with respect to independent claim 1. Accordingly, Appellants respectfully submit that the § 103(a) rejection of independent claim 1 should be withdrawn.

### **The § 103(a) Rejection of Independent Claim 8 Should Be Reversed**

Appellants respectfully submit that the § 103(a) rejection of independent claim 8 should be reversed for substantially the same reasons discussed above with respect to independent claim 1. In particular, neither Pillar, nor Rother, nor any other source discloses or suggests an “analyzer . . . configurable to execute at least one diagnostic process automatically based on the results of at least one other diagnostic process,” as recited in claim 8. Appellants respectfully submit that for substantially the same reasons discussed above with respect to claim 1, the Examiner has failed to establish a *prima facie* case of obviousness with respect to independent claim 8. For at least these reasons, the § 103(a) rejection of independent claim 8 should be reversed.

## **The § 103(a) Rejection of Independent Claims 14 and 17 Should Be Reversed**

With regard to independent claims 14 and 17, Appellants respectfully submit that neither Pillar, nor Rother, nor any other source discloses or suggests a method for analyzing machine data, including, among other things, defining a testing procedure

wherein said defining step includes . . . selecting at least one test to be associated with said machine data; defining at least one parameter associated with said at least one test; [and] defining at least two limits for the at least one parameter, wherein machine data that exceeds at least one of the limits is considered a machine exception

as recited in claim 14, or a system for analyzing machine data, including, among other things an

owner input device . . . configured to accept owner input to: select at least one test to be associated with said machine data; define at least one parameter associated with said at least one test; [and] define at least two limits for the at least one parameter, wherein machine data that exceeds at least one of the limits is considered a machine exception[.]

as recited in claim 17. Emphasis added. The final Office Action cites the chart spanning columns 8-10 of Pillar, and seems to allege that the “measurement range portion of [the] chart” meets the feature of defining at least two limits for the at least one parameter. Final Office Action at 5. What this chart shows, however, are exemplary acceptable measurement ranges for a number of parameters. The chart does not indicate multiple limits utilized simultaneously for any of the parameters. Nor does Pillar disclose an operator selecting or a system configured to accept owner input to select “at least two limits for the at least one parameter,” as recited in claims 14 and 17.

Appellants’ challenged this rejection in Appellants’ last Reply to Office Action. In response, the Examiner confirms, in the final Office Action, that he is considering the upper and lower numbers of the ranges listed in the chart spanning columns 8-10 to

constitute upper and lower “limits.” Final Office Action at 10. These ranges, however, are simply exemplary ranges where such a parameter is likely to fall. There is no disclosure in Pillar that these upper and lower range numbers constitute limits and that “machine data that exceeds at least one of the limits is considered a machine exception,” as recited in claims 14 and 17. Nor is there any disclosure that owner input may define “at least two limits,” as also recited in claims 14 and 17.

In addition, Rother is cited only for an alleged teaching of conditioning at least one diagnostic process to execute automatically based on the results of at least one other diagnostic process. Thus, Rother does not cure the above noted deficiencies of Pillar with respect to claims 14 and 17.

For at least the foregoing reasons, the combination of Pillar and Rother fails to disclose or suggest every recitation of independent claims 14 and 17. Further, because the Examiner fails to offer any reason to combine the teachings of Rother with those of Pillar to achieve any particular features of claim 14 or 17. Accordingly, Appellants respectfully submit that the § 103(a) rejection of claims 14 and 17 should be reversed.

## **Conclusion**

For the reasons stated above, each of independent claims 1, 8, 14, and 17, is allowable. Dependent claims 2-7, 9-13, 16, 18, and 19 each depend from one of claims 1, 8, 14, and 17 and are, therefore, allowable for at least the same reasons that the respective claims from which they depend are allowable. Additionally, these dependent claims include further limitations that distinguish from the prior art.

In view of the foregoing, Appellants respectfully request reversal of the § 103(a) rejection based on Pillar in view of Rother.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 13, 2007

By: 

Jeremy T. Thissell  
Reg. No. 56,065

**Claims Appendix to Appeal Brief Under Rule 41.37(c)(1)(viii)**

1. A method for analyzing machine data, the machine data representing at least one condition of a machine, comprising the steps of:
  - storing said machine data in a data system;
  - defining a testing procedure by selecting from a plurality of pre-defined owner inputs each associated with one or more diagnostic processes, wherein at least one of the owner inputs is associated with one or more diagnostic processes that are different from the one or more diagnostic processes with which at least one of the other owner inputs is associated;
  - processing said machine data based on said testing procedure to determine a machine exception; and
  - generating a notification in the event of a machine exception;
  - wherein defining the testing procedure includes conditioning at least one diagnostic process to execute automatically based on the results of at least one other diagnostic process.
2. The method, as set forth in claim 1, wherein said pre-defined owner input comprises a selected test and defined parameters for said test.
3. The method, as set forth in claim 1, wherein said notification is relayed to a notification device.



4. The method, as set forth in claim 3, wherein said notification device is a hand held communications device.

5. The method, as set forth in claim 1, wherein said testing procedure is run on a sequencer.

6. The method, as set forth in claim 1, wherein said storing step comprises the steps of:

storing said machine data on said machine in packets; and

transferring said packets via a communications network to said data system.

7. The method, as set forth in claim 1, wherein said storing step includes the step of:

streaming said machine data from said machine to said data system via a communications network.

8. A system for analyzing machine data, the machine data representing at least one condition of a machine, comprising:

a data system configured to store machine data;

an owner input device configured to accept a plurality of different owner inputs, each associated with one or more diagnostic processes, wherein at least one of the owner inputs is associated with one or more diagnostic processes that are different from

the one or more diagnostic processes with which at least one of the other owner inputs is associated; and

an analyzer configured to accept a procedure selected by an owner from said plurality of owner inputs, process said machine data based upon said procedure to determine a machine exception, and generate a notification in the event of a machine exception;

wherein the analyzer is configurable to execute at least one diagnostic process automatically based on the results of at least one other diagnostic process.

9. The system, as set forth in claim 8, further comprising:

a communications network for relaying said machine data from said machine to said data system.

10. The system, as set forth in claim 9, wherein said communications network comprises wireless communication means.

11. The system, as set forth in claim 8, wherein said procedure comprises a test selected by said owner and at least one parameter defined by said owner and associated with said test.

12. The system, as set forth in claim 9, further comprising:

a notification device for receiving said notification via said communications network.

13. The system, as set forth in claim 12, wherein said notification device comprises a hand held communication device.

14. A method for analyzing machine data, the machine data representing at least one condition of a machine, comprising the steps of:

- storing said machine data in a data system;
- defining at least one testing procedure by selecting from a plurality of owner inputs, each associated with one or more diagnostic processes to be associated with said machine data, wherein at least one of the owner inputs is associated with one or more diagnostic processes that are different from the one or more diagnostic processes with which at least one of the other owner inputs is associated;
- processing said machine data based upon said procedure;
- determining a machine exception from said procedure; and
- generating a report in the event of a machine exception;

wherein said defining step includes the steps of:

- selecting at least one test to be associated with said machine data;
- defining at least one parameter associated with said at least one test;
- defining at least two limits for the at least one parameter, wherein machine data that exceeds at least one of the limits is considered a machine exception; and

wherein said processing step includes running said at least one test in relation to said machine data.

16. The method, as set forth in claim 14, wherein said processing step is performed by an analyzer based upon said procedure which is defined by an owner.

17. A system for analyzing machine data, the machine data representing at least one condition of a machine, comprising:

a data system configured to store machine data; and

an owner input device configured to accept a plurality of different owner inputs, each associated with one or more diagnostic processes, wherein at least one of the owner inputs is associated with one or more diagnostic processes that are different from the one or more diagnostic processes with which at least one of the other owner inputs is associated;

wherein the owner input device is configured to accept owner input to:

select at least one test to be associated with said machine data;

define at least one parameter associated with said at least one test;

define at least two limits for the at least one parameter, wherein machine data that exceeds at least one of the limits is considered a machine exception; and

an analyzer configured to accept a procedure selected by an owner from said plurality of owner inputs, said analyzer configured to process said machine data based upon said procedure to determine a machine exception and generate a report in the event of a machine exception.

18. The system, as set forth in claim 17, further comprising:

a communications network for relaying said machine data from said machine to said data system.

19. The system, as set forth in claim 17, wherein said procedure is comprised of at least one test selected by said owner, said test having at least one associated parameter defined by said owner.

**Evidence Appendix to Appeal Brief Under Rule 41.37(c)(1)(ix)**

There is no evidence being relied upon by Appellant in this appeal.

**Related Proceedings Appendix to Appeal Brief Under Rule 41.37(c)(1)(x)**

There are no related proceeding decisions of which Appellant is aware.